

# **EXHIBIT B**

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**CONFIDENTIAL TREATMENT REQUESTED BY ERIC JAEGER**

July 14, 2003

**By Hand**

Sherry Gonzalez, Esq.  
Staff Attorney  
United States Securities & Exchange Commission  
c/o Wyndham Hotel  
89 Broad Street  
Boston, MA 02110

Re: In the Matter of Enterasys Networks, Inc. (D-2441)

Dear Ms. Gonzalez:

Pursuant to your conversations with Jeff Rudman and Steve Jonas, I enclose documents in Eric Jaeger's possession, custody and control that are responsive to the Commission's subpoena dated June 27, 2003.

As you discussed with Steve, Ropes & Gray LLP, counsel to Enterasys Networks, Inc., instructed Mr. Jaeger to withhold from production documents that it designated as attorney-client communication or work product. We also have not produced documents pertaining to Enterasys' corporate reorganization, which I understand you do not want but are available if you would like to review them in the future.

As I believe Steve also explained, a subset of the e-mail stored on Mr. Jaeger's home computer are incomplete; they contain some data typically found in the "header" of the email (date and time sent, author, subject line, and whether there was an attachment), but do not contain the "body" of the message and any attachment(s), nor the identity of recipients other than Mr. Jaeger. We have produced the partial e-mail that potentially may be responsive based on the limited information available (EJ000583-844). Also, because the date and time did not appear when we printed the e-mail, to assist your review we also included that information in the enclosed chart of the partial e-mail

**CONFIDENTIAL TREATMENT REQUESTED BY ERIC JAEGER (EJ000859)**

BOSTON LONDON\* MUNICH\* NEW YORK OXFORD\* PRINCETON RESTON

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WALTHAM WASHINGTON

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Sherry Gonzalez, Esq.

July 14, 2003

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(EJ000845-858), which is organized by bates number and also identifies the author and subject, and indicates whether there was an attachment.<sup>1</sup>

Mr. Jaeger respectfully submits that this letter and the enclosed documents (which are designated EJ000001- EJ000861 and hereafter collectively are referred to as the "Materials") are neither agency records nor otherwise subject to disclosure under the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA") or the Rules of the Commission, 17 C.F.R. § 200.80, and absent his prior consent may not be disclosed to anyone other than a member of the Commission or its staff. To the extent that the Materials or any portion thereof are (or by virtue of any action of the Commission, judicial determination, or otherwise become) subject to disclosure, Mr. Jaeger requests that they be treated as confidential pursuant to FOIA and 17 C.F.R. §§ 200.80(b)(3), (b)(4), (b)(6), (b)(7) and 200.83. I enclose a copy of Mr. Jaeger's separate request to the Commission's FOIA Officer for confidential treatment pursuant to 17 C.F.R. § 200.83. Mr. Jaeger further requests that, should the Commission determine to disclose the Materials or any portion thereof, it provide prior notice of its intent to do so. See 17 C.F.R. § 200.83.

Thank you for extending the return date and allowing us to produce the documents in Boston so Enterasys could conduct its privilege review. As the material is somewhat voluminous, please let me know if you would like us to retrieve the box from your hotel and ship it to the Denver office, which is where it would have been sent had you not been so accommodating.

Please call if you have any questions. We look forward to discussing this matter with you.

Very truly yours,



Jonathan A. Shapiro

cc: Jeffrey B. Rudman, Esq.  
Steven A. Jonas, Esq.  
Office of Freedom of Information  
and Privacy Act Operations  
Securities and Exchange Commission  
Operations Center  
6432 General Green Way  
Alexandria, VA 22312-2413

<sup>1</sup> It is not clear why this occurred. It is possible that the e-mail system somehow was configured to bifurcate these messages, sending to the user the data that we have retrieved, while storing on a central server other data that, if connected to the server, the user could access to view the entire e-mail.